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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,577	09/15/1998	DANIEL J. ZIGMOND	3382-50875/S	5732
26119	7590	09/08/2004	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			PEYTON, TAMMARA R	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/153,577

Applicant(s)

ZIGMOND ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 6,7,11-13,15, 16, 21,22,24-26,28, 30-35,38-41,43-55,57-59,61-69, 71-73, and 75-101 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 6,7,11-13,15,16,21,22,24-26,28,30-35,38-41,43-55,57-59,61-69,71-73 and 75-101 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 16, 28, 30, 41, 43-51, 57, 61-66, 76, and 77 are withdrawn in view of the newly discovered reference(s) to Macrae et al., (US 2004/0103439). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

Claims 6, 7, 11-13, 15, 16, 21, 22, 24-26, 28, 30-35, 38, 39, 41, 43-50, 52-55, 57, 59, 61-63, 65-69, 71, 72, and 76-98, 100, and 101, rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al., (US 2004/0103439) and Broadwin et al., (US 5,929,850) - previously cited.

As per claims 6, 7, 15, 16, 28, 30, 35, 38, 39, 50, 52, 54, 55, 59, 62, 66, 69, 71, 72, 78, 81, and 82, *Macrae* teaches a method of operating a screen to transition between display of a televised advertising message and display of additional information from the Internet relating to the subject of the advertising message, comprising:

- displaying a televised advertising message;
- in response to logical address link data conveyed with the televised advertising message, displaying with said televised advertising message an icon; and

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- in response to user selection of said icon, displaying a graphical control panel that presents to the user a plurality of options selectable by the user, the options including a first option selectable by the user to indicate desire to return to the displaying the televised advertising message, and the options further including a second option selectable by the user to indicate desire to view additional information from the Internet relating to the subject of said advertising message.

(See Abstract, pgs. 1-7)

Macrae teaches that in response to a selection of said icon, a graphical control panel (Figs. 3, 4) is displayed that presents to the user a plurality of selectable options. One option is to indicate a desire to view additional information from the Internet relating to the subject of said advertising message. Macrae does not expressly teach wherein one of the option is a desire to return to the televised advertising message; however, Macrae teaches that if an icon appears during a television program and the user presses an 'INFO' button, the graphical control panel will appear and give the user the option to store an Internet address associated with the icon, by storing the logical address link the icon disappears from the display screen. Presumably, the user is returned to the television program after selecting the option to store the Internet address by hitting the 'STORE' button or viewing additional information related to the icon. (pg. 5, 0048, 0049) Nonetheless, Macrae's method of a two-step process may be improved by Broadwin's two-step process.

Broadwin teaches an interactive television system that displays various selection options for linking images to an associated interactive program. Specially, Broadwin's system displays one or more selection options on a television screen as it related on an image. If the link is selected a graphical control panel is displayed (Fig. 15.16). The user is given the option to view additional information about the image related to the program (Fig. 16) or return to viewing the original program thereby ending the display of the panel. Specifically, Broadwin states "The one or more selection options are preferably overlaid on top of the video content....At least one of the selection options may be used to return to watching the audiovisual component of the AVI signal, i.e., to return to watching the television program", col. 11, lines 9-11, 15-17. Broadwin specifically teaches at step 522, Fig. 13 of display video content (television program) from the selected channel on the television", step 524, "execute the interactive program from the AVI signal being display", step 526, "display one or more selection options on the television screen in response to execution", and step 528 "receive user input selecting a selection?", from there the system waits for the user's response. If the user selects to view information a graphical control panel appears over the television program (Fig. 16), from there the user is given the option of viewing additional information or returning to the television program. (Broadwin, col. 14, lines 17-col. 17, lines 60, col. 2, lines 25-col. 7, col. 9, lines 53-55, Figs. 13, Step H, 14, Step G, 16, and 18)

Broadwin and Macrae draw to the same conclusion of displaying information associated with the current televised content, therefore, it would have been obvious to

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one of ordinary skill at the time the invention was made to implement Broadwin's method to Macrae thereby allowing a user to return to viewing the televised content after selecting an 'icon' that states "return to television program." Doing so would improve the look and feel of Macrae's graphical control panel.

As per claims 7 and 67, Macrae teaches displaying said icon for a predetermined period, and thereafter removing the displayed icon from the screen

As per claims 13 and 79, Macrae teaches displaying in the graphic control panel a title of the auxiliary data (get info) associated with the icon.

As per claims 11, 12, 33, and 34, Macrae/Broadwin teaches of receiving and showing an icon at a predetermined time as it relates to a special program or channel, it would have been obvious that after the specific program has ended that particular icon related to the show is removed from the screen.

As per claims 25 and 26, Macrae discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen.

As per claims 31, 32, and 39, Macrae obviously teaches that the icon is translucent in order to not inhibit the viewer's program during the broadcast.

As per claim 41, 44, 57, 65, 76, 82, 84, 86, 87, and 88-93, Macrae teaches of displaying the icon for a limited amount of time and if the user does not respond disabling the icon from the screen. However, Macrae does not expressly teach that in response to subsequent link data, skipping displaying the icon at least in part upon result of comparing the subsequent link data to at least some previous link data. Nonetheless, it would have been obvious to one of ordinary skill that Macrae would have been motivated to limit the number of times a icon is shown during a particular broadcast if the user did not respond the first time, because implementing such a method would ensure that the user's television broadcast would not be unduly interrupt.

As per claims 38 and 80 *Macrae* teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel display the auxiliary data.

As per claim 45, Macrae teaches wherein the graphical control panel further presents to the user a title for the additional information from the Internet.

As per claims 46 and 49, Macrae teaches wherein the graphical control panel includes a plurality of graphical controls, and wherein the plurality of graphical controls include a first graphical control associated with the first option and a second graphical control associated with the second option.

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As per claim 21, 22, 24, 47, 43, 48, 60, 62, 69, 70, 77, 83, 85, 94, 95-98, 100, and 101, Macrae teaches adding data identifying the additional information to a log; ('STORE' option) and after selection of the first option, returning to the displaying of the televised advertising message. Macrae teaches displaying at least part of the log (favorite folder); and in response to user selection of the added data, retrieving and displaying the additional information. Specifically, Macrae gives the user the ability to stored certain logical address links in a memory that may be recalled later by the user. (0051)

As per claim 53, 63, and 68, Macrae teaches wherein the icon is translucent.

As per claim 52, Macrae teaches wherein the alerting includes displaying an icon.

As per claim 54, Macrae teaches wherein the graphical control panel includes a graphical control for causing the displaying of said page of supplementary data.

As per claim 55, Macrae teaches wherein the graphical control panel includes a plural graphical controls.

As per claims 61 and 67, Macrae teaches wherein a predetermined period of time limits duration of the displaying the icon.

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As per claim 71, Macrae teaches wherein the processing unit causes the display of the auxiliary data concurrently with the display of the television programming. (Figs. 3,4)

Claims 40, 51, 58, 64, 73, 75, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al., (US 2004/0103439) and Broadwin et al., (US 5,929,850) and in further view of Wagner et al., (US 6,335,736) – previously cited.

As per claims 40, 51, 58, 64, 73, 75, and 99, Macrae/Broadwin does not expressly teach having a progress indicator indicating progress of retrieval of the auxiliary data. However, Wagner specifically discloses a method of the well known indicator (Figs. 8a-8d) being displayed to the user to indicate the progress in which auxiliary data is being received. It would have been obvious to one of ordinary skill at the time the invention was made Macrae/Broadwin would have been motivated to implement Wagner's indicator, because doing so would indicate the progress in which auxiliary data is being transmitted to the user, thereby improving the Macrae/Broadwin graphical control panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703)

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306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal, After Final, or for informal or draft (please label "PROPOSED" or "DRAFT") communications intended for entry should be sent to:

703-872-9306,

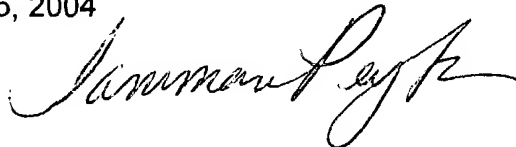
Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

August 25, 2004

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', is written over the typed name and date.